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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/21/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/21/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/770,766

Applicant(s)

PAZ ET AL.

Examiner

Farzana E. Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-29 and 45-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-29 and 45-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/15/2006 has been entered.

Response to Amendment

2. This office action is responsive to communications filed on 12/21/05. Claims 1-26, 30-44 are cancelled. Claims 27-29, 45-47 have been previously presented.
3. The examiner notes the applicant's efforts to contact the inventors; the objection will remain until the supplemental Declaration is submitted.

Response to Arguments

4. Applicant's arguments with respect to claims 27, 28, 45 have been considered but are moot in view of the new ground(s) of rejection.

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The applicant argues that Gardell combined with Hooper does not meet all the limitations of the claimed invention (Page 5-7, 9).

The applicant's arguments were considered but are not found persuasive, as Gardell does not teach away from the invention. New grounds of rejection are made and meet all limitations of the claimed invention.

5. Applicant's arguments with respect to claim 29, 46, 47 have been considered but are moot in view of the new ground(s) of rejection.

The applicant argues that Moeller combined with Hooper does not meet all the limitations of the claimed invention and that Moeller does not meet the limitations presented in the claim (Page 7-8).

The applicant's arguments were considered but are not found persuasive. New grounds of rejection are made and meet all limitations of the claimed invention.

Oath/Declaration

7. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month and year of its filing.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 27, 28, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardell et al (US 6,049,831 and hereafter referred to as "Gardell") in view of Zdepski et al (US 6,606,746 and hereafter referred to as "Zdepski").

Regarding Claim 27, Gardell discloses a system (Figure 1) wherein a client interactive TV system (Figure 1, 122, 146) accesses and runs one or more programs remotely at a server (Figure 1, 114, Column 4, lines 49-52) and wherein the server converts display commands generated from the one or more programs into compressed video streams (Column 4, lines 49-52), a method for enabling a client to access TV channel programming via interaction with the one or more programs (Column 9, lines 14-26), the method comprising: receiving, at a client interactive TV system, a first compressed video stream representing a WWW page that identifies one or more TV channels (Column 4, lines 29-30, 49-52), wherein WWW page or Web page is converted to a the first compressed video stream or an MPEG I stream and transmitted to the interactive TV (Figure 1, 122, 146, 138) by a remote server (Figure 1, 138, 114). Gardell discloses displayable portion or HTML UI definitions of Web page (Column 4, lines 29-30, 49-52). Gardell discloses the STB processing image formation for display

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on television. It is necessary included that the web page or compressed video or MPEG I frame is decompressed or processed to display the web page. Gardell discloses displaying the Web page and the at least one control; detecting an interaction of a user with the at least one control that indicates a selection of the one of the identified one or more TV channels or user selecting a link in the MPEG encoded web page (Column 4, lines 9-18); providing the user interaction to the remote server which converts the user interaction into a format that can be assimilated by one or more programs running at the remote server or the session manager responds to the change notifications received by the STB and presenting new information (Column 4, lines 9-18) and in response to the user interaction, receiving and displaying the selected one of the identified TV channels, on the client interactive TV system (Column 9, lines 14-27, Figure 1, Figure 2).

Gardell is silent on receiving as an overlay on the first compressed video stream, an additional compressed video stream that includes at least one control corresponding to an interaction layer that allows for user input for modifying the first compressed video stream, wherein the client interactive TV system decompresses both the first and additional compressed video streams.

Zdepski disclose a system with a client interactive TV system (Figure 1, 140). Zdepski discloses receiving a first compressed video stream or background picture and receiving as an overlay or insert pictures on the first compressed video stream or background picture that includes one control corresponding to an interaction layer that allows for user input for modifying the first compressed video stream (Column 4, lines 59-67, Column 5, lines 1-10, Column 6, lines 17-24, Column 16, lines 48-57, Column

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14, lines 42-58, Column 20, lines 19-22), wherein the client interactive TV system decompresses both the first and additional compressed video stream (Column 7, lines 32-40). Zdepski discloses displaying and displays the first compressed video streams and the overlay with the at least one control (Column 4, lines 59-67, Column 5, lines 1-10, Column 6, lines 17-24, Column 16, lines 48-57); detecting an interaction of a user with the at least one control that indicates a selection of the video frame or providing an interactive system which allows transmitting to the server changes to the screen (Column 4, lines 59-67, Column 5, lines 1-10, Column 6, lines 17-24, 34-54, Column 16, lines 48-57, Column 14, lines 42-58, Column 20, lines 19-22); providing the user interaction to the remote server (Column 4, lines 59-67, Column 5, lines 1-10, Column 6, lines 17-24, Column 16, lines 48-57, Column 14, lines 42-58, Column 20, lines 19-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gardell to receive as an overlay or insert pictures on the first compressed video stream or background picture that includes one control corresponding to an interaction layer that allows for user input for modifying the first compressed video stream (Column 4, lines 59-67, Column 5, lines 1-10, Column 6, lines 17-24, Column 16, lines 48-57, Column 14, lines 42-58, Column 20, lines 19-22), wherein the client interactive TV system decompresses both the first and additional compressed video stream (Column 7, lines 32-40) as taught by Zdepski in order to provide an image to the user to be edited based on the user input (Column 1, lines 50-54) as disclosed by Zdepski.

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Regarding Claim 28, Gardell and Zdepski disclose all limitations of Claim 27.

Gardell discloses the TV channel comprises a pay on demand movie or video on demand (VOD) service (Column 8, lines 40-52).

Regarding Claim 45, Gardell and Zdepski disclose all limitations of Claim 27.

Zdepski discloses that a first computer runs one or more programs (Figure 1, 104, Column 5, lines 25-33) and a second computer converts display commands into compressed video (Figure 1, 102, Column 5, lines 20-22).

10. Claims 29, 46, 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moeller et al (US 5,828,370 and hereafter referred to as "Moeller") in view of Zdepski.

Regarding Claim 29, Moeller disclose in a system wherein a client system (Figure 1, 52, Figure 2, 57) accesses and runs one or more programs or multimedia/video streams remotely at a server (Column 6, lines 8-18, Figure 1, 50), a method for enabling a client to modify the compressed video streams, the method comprising:

at a server that is remote from a client and that runs one or more programs for the client, providing a first compressed video stream representing a TV channel (Column 6, lines 32-33, 47-48, 67, Column 7, lines 1-2);

overlaying on the first compressed video stream a slider bar graphical icon (Figure 2, 54) representing an interaction layer that includes at least one control that corresponds to modifications that can be made to the first compressed video stream

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(Column 7, lines 13-33), the slider bar being overlaid on the first compressed video stream, wherein the TV channel and the at least one control are displayed at the client system upon the client system receiving and decompressing the first video stream (Figure 2, Column 7, lines 2-11);

receiving input from a viewer comprising interaction with said at least one control (Column 7, lines 13-35); converting the input from the viewer into a format that can be assimilated by the one or more programs running at the server or user manipulation of the slide bar (Column 7, lines 34-42); and

modifying at least the first compressed video stream responsive to said received interaction by at least one of: changing a channel over which the client system receives compressed video and such that the client receives new compressed video, or providing the client access to a different set of P frames than were originally provided in the first compressed video stream or the user selecting fast forward or reverse or trick play streams (Column 3, lines 41-45, Column 7, lines 13-33, Column 9, lines 38-51).

Moeller discloses that the graphical icon is provided directly by the video server in conjunction with the movie video stream or first compressed stream and that the icon can be updated in view of user operation not the movie (Column 7, lines 64-67, Column 7, lines 13-33). Moeller does not explicitly disclose overlaying on said first compressed video stream a second compressed video stream representing an interaction layer that includes at least one control that corresponds to modifications that can be made to the first compressed video stream without decompressing the first compressed video

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stream. Moeller therefore does not explicitly disclose decompressing the second compressed video stream.

Zdepski disclose a system with a client interactive TV system (Figure 1, 140). Zdepski discloses receiving a first compressed video stream or background picture and overlaying on said first compressed video stream a second compressed video stream representing an interaction layer that includes at least one control that corresponds to modifications that can be made to the first compressed video stream without decompressing the first compressed video stream (Column 4, lines 59-67, Column 5, lines 1-10, Column 6, lines 17-24, Column 16, lines 48-57, Column 14, lines 42-58, Column 20, lines 19-22), without decompressing the first compressed video stream (Column 18, lines 8-34) wherein the client interactive TV system decompresses both the first and additional compressed video stream (Column 7, lines 32-40). Zdepski discloses displaying and displays the first compressed video streams and the overlay with the at least one control (Column 4, lines 59-67, Column 5, lines 1-10, Column 6, lines 17-24, Column 16, lines 48-57); detecting an interaction of a user with the at least one control that indicates a selection of the video frame or providing an interactive system which allows transmitting to the server changes to the screen (Column 4, lines 59-67, Column 5, lines 1-10, Column 6, lines 17-24, 34-54, Column 16, lines 48-57, Column 14, lines 42-58, Column 20, lines 19-22); providing the user interaction to the remote server (Column 4, lines 59-67, Column 5, lines 1-10, Column 6, lines 17-24, Column 16, lines 48-57, Column 14, lines 42-58, Column 20, lines 19-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moeller to overlay on said first compressed video stream a second compressed video stream representing an interaction layer that includes at least one control that corresponds to modifications that can be made to the first compressed video stream without decompressing the first compressed video stream (Column 4, lines 59-67, Column 5, lines 1-10, Column 6, lines 17-24, Column 16, lines 48-57, Column 14, lines 42-58, Column 20, lines 19-22), without decompressing the first compressed video stream (Column 18, lines 8-34) wherein the client interactive TV system decompresses both the first and additional compressed video stream (Column 7, lines 32-40) as taught by Zdepski in order to provide an image to the user to be edited based on the user input (Column 1, lines 50-54) as disclosed by Zdepski.

Regarding Claim 46, Moeller and Zdepski disclose all the limitations of Claim 29. Moeller disclose modifying at least the first compressed video stream responsive to the received interaction (Column 7, lines 13-42) including modifying the slider bar or overlay (Column 7, lines 64-67). Zdepski discloses the background and overlay image as a second compressed video stream (Column 4, lines 59-67, Column 5, lines 1-10, Column 6, lines 17-24, Column 16, lines 48-57, Column 14, lines 42-58, Column 20, lines 19-22).

Regarding Claim 47, Moeller and Zdepski disclose all the limitations of Claim 29. Moeller discloses the different set of P frames are provided with other new sets of P

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frames corresponding to different users through a common channel or indexing P-frames at different locations or positions in a normal play video stream, generally based on user selections (Column 8, lines 55-60) and displaying the normal play or trick play streams to one or more display units or viewers (Figure 1, 52, Column 8, lines 45-48). It is necessarily included that the plurality of viewers sharing a video stream over a common channel as the viewers would be sharing the P frames of video stream just as normal broadcast video delivery.

Conclusion

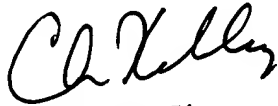
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH
February 6, 2007


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